

## **EXHIBIT “C”**

**EXHIBIT "C" TO PRETRIAL STIPULATION AND ORDER****FEC EXHIBITS<sup>1</sup>**

<b>Description</b>	<b>Objections and Reasons</b>
1. Single Project Construction Services Agreement (03932-03996)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>This duplicates CCI Exhibit 40.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 402.</b> To the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</li> </ul>
2. 10/2/03 Letter and Subcontract Agreement (CL 0623-0636)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>This version is a part of and duplicates CCI Exhibit 91, and should be used in its entirety, i.e., CL0522-0763.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 402, 1002 and 1003.</b> This document has not been authenticated as the relevant form of agreement presented by FEC to CCI, or received by FEC after the counter-signature of CCI. The best evidence of the matters agreed to between CCI and FEC is the form within the possession of FEC and bearing the Bates Stamp of FEC. (prefix "FE") Moreover, this duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages, specifically Exhibit 1 to the document. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul>
3. E-mail string, Single Project Construction Services Agreement Contract (FE 014336-4441)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>This exhibit is incomplete and duplicates CCI Exhibit 41, in part.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li><b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document</li> </ul>

<sup>1</sup> FEC reserves the right to amend this list as additional documents are produced. FEC reserves the right to admit exhibits listed without Bates Nos., or with different numbers that are not specifically listed herein.  
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	<p>was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</p> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
4. 2/18/04 Email, Contract No. 1 (FE014443-014496)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Incomplete without FE014442, to which these documents attached, and duplicates CCI Exhibit 42.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
5. 5/4/04 Letter and Construction Services Agreement (006113-006173)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 11.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC. To the contrary, FEC's attempt</li> </ul>

	<p>to unilaterally designate itself as an agent of BOBC by this document is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</p> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, this document was never executed and the parties never otherwise formed a meeting of the minds.</p>
6. 10/23/03 RFP 6B (Banc One 00716-00717)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• None.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
7. 3/1/04 Letter, Final Bid Summary, Project Award Recommendation (Banc One 01822-01825)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to Plaintiff's claim(s) about the General Lighting &amp; Power project, and Plaintiff's related burden and required proofs, and it refers to another project – the IT Conveyance project – which is only relevant to the extent monies awarded, and paid, to CCI for the IT Conveyance project were intended to offset claimed damages from the General Lighting &amp; Power project.</li> </ul>
8. 8/11/04 Forest Letter (CL 1054- 1055)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• F.R.E. 402, 802.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
9. 8/12/04 Forest Letter (FE 001900- 1902)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• F.R.E. 403, 802-803</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
10. 8/23/05 Customer QuickReport (CJW 126)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• F.R.E. 402, 802</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
11. Meeting with Paul Angerame re: Communication (CL 1031-1032)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 79.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay</li> </ul>

	to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.
12. 10/0, 10/15/03 Emails and Contract (FE 014334-014441)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>No objection.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li><b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
13. 5/4/04 Email (FE 008833)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>Duplicates CCI Exhibit 104</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> </ul>
14. 0/31/03 Revised RFP 6B (FE 003284-003289)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>Duplicates CCI Exhibit 10.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 1002 and 1003.</b> The duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages, specifically Exhibit 1 to the document. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul>
15. Email, Contract No. 1 (FE 014442-014496)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>Duplicates CCI Exhibit 42.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters</li> </ul>

	<p>asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
16. Email, Subcontract (FE 014497-014551)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 45</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
17. 6/14/04 Letter (FE 014206)	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim</li> </ul>

	<p>against BOBC, as there is no evidence that the document to which it relates – the Donna Lucas letter dated 5/4/04 and Attachment (006113-006173) – was authorized by BOBC. To the contrary, FEC’s attempt to unilaterally designate itself as an agent of BOBC by the Donna Lucas letter dated 5/4/04 and Attachment is strictly prohibited, and directly contradicted, by the terms of FEC’s Trade Manager Agreement with BOBC.</p> <p>Moreover, to the extent the Court grants BOBC’s Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, neither the Donna Lucas letter dated 5/4/04 and Attachment, nor CCI’s response to that letter, were executed and the parties never otherwise formed a meeting of the minds.</p>
18. Email, 6B Addendum 1 (FE 014207-014220)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 47.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that the document to which it relates – the Donna Lucas letter dated 5/4/04 and Attachment (006113-006173) – was authorized by BOBC. To the contrary, FEC’s attempt to unilaterally designate itself as an agent of BOBC by the Donna Lucas letter dated 5/4/04 and Attachment is strictly prohibited, and directly contradicted, by the terms of FEC’s Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC’s Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, neither the Donna Lucas letter dated 5/4/04 and Attachment, nor CCI’s response to that letter, were executed and the parties never otherwise formed a meeting of the minds.</p>
19. Project Contract List (FE009375)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 105.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>

20. 10/2/03 Project Aware Recommendation; Banc One (00718-725)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 106.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
21. Bid Review Qualifications (FE000282-285)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• FE000282-000283 are separate from FEC000284-000285.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to Plaintiff's claim(s) about the General Lighting &amp; Power project, and Plaintiff's related burden and required proofs, and it refers to another project – the IT Conveyance project – which is only relevant to the extent monies awarded, and paid, to CCI for the IT Conveyance project were intended to offset claimed damages from the General Lighting &amp; Power project.</li> </ul>
22. 2/3/04 Invitation to Bid, Best and Final (FE000295-315)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Incomplete without FE000316.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to Plaintiff's claim(s) about the General Lighting &amp; Power project, and Plaintiff's related burden and required proofs, and it refers to another project – the IT Conveyance project – which is only relevant to the extent monies awarded, and paid, to CCI for the IT Conveyance project were intended to offset claimed damages from the General Lighting &amp; Power project.</li> </ul>
23. 4/16/04 10-Page Fax, Construction Services Agreement FE014559-566)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Should include FEC014558, and duplicates CCI Exhibit 107.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul>



	<p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p>
24. Notes re to meeting of July 8, 2004	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> </ul> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
25. E-mail dated July 12, 2004, 5:38 pm	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> </ul> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
26. E-mail dated July 13, 2004, 03:33 pm	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> </ul> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
27. Series of e-mails, with the attached Single Project Construction Services Agreements	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with</li> </ul>

	<p>BOBC.</p> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
28. Letter on Forest Electric letterhead, dated October 2, 2003, with attached subcontract agreement	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
29. Letter on Forest Electric letterhead, dated October 2, 2003 with attached subcontractor agreement	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
30. E-mail cover page to P. Angerame, dated 2/18/, sent 02:29 pm, subject "Banc One Delaware," with attached Single Project Construction Services Agreement, Contract No. 1 – Trade Manager	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
31. E-mail cover page to <a href="mailto:keane@tishman.com">keane@tishman.com</a> , dated 4/12/04, sent 02:35 pm, subject "Subcontract Agreement," with attached Single Project Construction Services agreement, Contract No. 1 - Trade Manager	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law,</li> </ul>

	<p>for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
32. E-mail dated 8/4/04 to Donna Lucas	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that the document to which it relates – the Donna Lucas letter dated 5/4/04 and Attachment (006113-006173) – was authorized by BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC by the Donna Lucas letter dated 5/4/04 and Attachment is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, neither the Donna Lucas letter dated 5/4/04 and Attachment, nor CCI's response to that letter, were executed and the parties never otherwise formed a meeting of the minds.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
33. Letter on Forest Electrical letterhead, dated June 14, 2004, "Second Request"	<p>CCI reserves all objections until specifically identified.</p>

	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that the document to which it relates – the Donna Lucas letter dated 5/4/04 and Attachment (006113-006173) – was authorized by BOBC. To the contrary, FEC’s attempt to unilaterally designate itself as an agent of BOBC by the Donna Lucas letter dated 5/4/04 and Attachment is strictly prohibited, and directly contradicted, by the terms of FEC’s Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC’s Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, neither the Donna Lucas letter dated 5/4/04 and Attachment, nor CCI’s response to that letter, were executed and the parties never otherwise formed a meeting of the minds.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
<p>Forest Electric change order number W930071B, dated 9/15/04</p>	<p>CCI Objects until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC’s attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC’s Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC, or was addressed to, or received by, BOBC. To the contrary, the attempt to unilaterally designate FEC as an agent of BOBC, referenced in this document, is strictly prohibited, and directly contradicted, by the terms of FEC’s Trade Manager Agreement with BOBC.</li> </ul> <p>Moreover, to the extent the Court grants BOBC’s Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, this document was never executed and the</p>

	<p>parties never otherwise formed a meeting of the minds.</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402, 1002 and 1003.</b> This document has not been authenticated. It contains internal marginalia and notations made by an unknown author.</li> </ul> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
34. Bank One Real Estate Contract Guidelines Bates Nos. Banc One (05646-05654)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• None.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> These contract guidelines, only relevant to BOBC Project Managers – not Trade Managers such as FEC, or Subcontractors such as CCI - is unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, is irrelevant.</li> </ul>
35. Banc One Real Estate Waiver of Bid Request Bates Nos. Banc One (05640-05641)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 82.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
36. Project Aware Recommendation Bates Nos. (FE 014165-014169)	<p>CCI Objection:</p> <ul style="list-style-type: none"> <li>• No objection.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
37. Tishman RFP 6B, 10/23/03 Bates Nos. (FE 014163-014164)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 84.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• None.</li> </ul>
38. Single Project Construction Services Agreement Bates Nos. Banc One (04166-4218)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• None.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law, for example, FEC's attempt to unilaterally designate itself as an agent of BOBC without the consent of BOBC and in direct contradiction to FEC's Trade Manager Agreement with BOBC.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that this document was authorized by BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC by this</li> </ul>

	<p>document is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC.</p> <p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, this document was never executed and the parties never otherwise formed a meeting of the minds.</p>
39. Job Meeting Minutes	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
40. RFI Logs	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
41. Jack S. Menco Letters and Supporting Documents	<p>CCI reserves all objections until specifically identified. CCI Objection: F.R.E. 402, 701-704, 802, 1004.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
42. Letter dated October 2, 2003 from Forest Electric to Creedon Controls (CL 1143-1153)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>Duplicates CCI Exhibits 6 and 7, and should include CL1143 (Ex. 6).</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 402, 1002 and 1003.</b> This document has not been authenticated as the relevant form of agreement presented by FEC to CCI, or received by FEC after the counter-signature of CCI. The best evidence of the matters agreed to between CCI and FEC is the form within the possession of FEC and bearing the Bates Stamp of FEC. (prefix "FE") Moreover, this duplicate has been modified from the original. It is incomplete, and missing a related cover page. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul>
43. Letter dated October 2, 2003 from Forest Electric to Creedon Controls with date of October 15, 2003 noted near signature of P. Creedon. (FE 003282)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>Duplicates CCI Exhibit 8.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 1002 and 1003.</b> The duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages, specifically Exhibit 1 to the document. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original</li> </ul>

	document and complete context.
44. Letter dated October 2, 2003 from Forest Electric to Creedon Controls (000688)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 9.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402, 1002 and 1003.</b> This document has not been authenticated as the relevant form of agreement presented by FEC to CCI, or received by FEC after the counter-signature of CCI. The best evidence of the matters agreed to between CCI and FEC is the form within the possession of FEC and bearing the Bates Stamp of FEC. (prefix "FE") Moreover, this duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages, specifically Exhibit 1 to the document. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul>
45. Letter dated October 2, 2003 from Forest Electric to Creedon Controls with date of November 5, 2003 noted near signature of P. Creedon with agreement attached. (FE 003284 & also 0004124)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• FE003284-003289 duplicates CCI Exhibit 10. FE003290-004124 are not a part of the described document. CCI reserves all objections to FE003290-004124, if identified.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 1002 and 1003.</b> The duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages, specifically Exhibit 1 to the document. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul>
46. May 4, 2004 letter to P. Creedon from D. Lucas regarding copies of Single Project Construction Services Agreement. (FE 003545 – 3562)	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• Duplicates CCI Exhibit 12.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 802.</b> This document is inadmissible hearsay to the extent it is offered to prove the truth of the matters asserted therein regarding contested issues of fact and law.</li> <li>• <b>Fed. R. Evid. 402.</b> This document is irrelevant to any claim against BOBC, as there is no evidence that the document to which it purports to respond – the Donna Lucas letter dated 5/4/04 and Attachment (006113-006173) – was authorized by BOBC. To the contrary, FEC's attempt to unilaterally designate itself as an agent of BOBC by the Donna Lucas letter dated 5/4/04 and Attachment is strictly prohibited, and directly contradicted, by the terms of FEC's Trade Manager Agreement with BOBC. Further, there is no evidence that this document, purporting to respond to the Donna Lucas letter dated 5/4/04 and Attachment, was addressed to, or received by, BOBC.</li> </ul>



	<p>Moreover, to the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</p> <p>In any event, the Donna Lucas letter dated 5/4/04 and Attachment was never executed and the parties never otherwise formed a meeting of the minds.</p>
47. Tishman February 12, 2004 letter to Forest Electric enclosing Single Project Services Agreement	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> To the extent the Court grants BOBC's Motion for Summary Judgment related to the issue of agency authority, and dismisses any claim relying upon agency authority, this document has no relevance to any trial issue.</li> <li>• <b>Fed. R. Evid. 1002 and 1003.</b> The duplicate has been modified from the original. It is incomplete, and missing related, and internally referenced, pages. Specifically, this document only includes excerpts of the contract enclosure. Under the circumstances, it would be unfair to admit this duplicate in lieu of the original document and complete context.</li> </ul> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
48. Walter Wachter Report and all supporting documents	<p>CCI Objection</p> <ul style="list-style-type: none"> <li>• F.R.E. 402, 701-704, 802, 1004.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 702.</b> Plaintiff has not established that its designated expert, and his report, meet the requirements for admissibility under Rule 702.</li> </ul>
49. Photographs of the project produced to all parties	<p>CCI reserves all objections until specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
50. Documents produced by Tishman Construction Company	<p>CCI reserves all objections until these 17,000 plus documents are specifically identified.</p> <p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p>
51. Tishman Daily Reports	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul>



	<p>BOBC reserves all objections until this exhibit is produced and identified by Bates Number.</p> <p>CCI Objection:</p> <ul style="list-style-type: none"> <li>• F.R.E. 402 for matters unrelated to CCI work. CCI reserves all objections until these documents are identified by Bates Number.</li> <li>• CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</li> </ul>
52. FEC change order paperwork, TISH 020242-020344	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul> <p>CCI Objection: CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</p>
53. Contractor daily reports; TISH 019726-019730	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul> <p>CCI Objections:</p> <ul style="list-style-type: none"> <li>• F.R.E. 402 for documents not related to CCI work.</li> <li>• CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</li> </ul>
54. Monthly project Reports-017468-17585	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul> <p>CCI Objections:</p> <ul style="list-style-type: none"> <li>• F.R.E. 402 for documents not related to CCI work.</li> <li>• CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</li> </ul>
55. Executed Contracts and correspondence- TISH 017621-18442	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li>• <b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul> <p>CCI Objections:</p> <ul style="list-style-type: none"> <li>• F.R.E. 402 for documents not related to CCI work.</li> </ul>

	<ul style="list-style-type: none"> <li>CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</li> </ul>
56. Change orders – FEC and contractors- TISH 18446-18486; TISH 8312-8435; 10884-10889; 10959-10983; 10985-10992; 10993-11015; 11016-11018; 11057-11019.	<p>BOBC Objections</p> <ul style="list-style-type: none"> <li><b>Fed. R. Evid. 402.</b> Reports unrelated to any duties between and among the Plaintiff and/or Defendants in this matter, are irrelevant.</li> </ul> <p>CCI Objections:</p> <ul style="list-style-type: none"> <li>F.R.E 402 for documents not related to CCI work.</li> <li>CCI reserves all objections to Tishman documents bearing Bates Nos. 017467, which were first identified by Forest on January 8, 2007, and are not in the possession of CCI at this time.</li> </ul>
57. FEC adopts the exhibits listed on Exhibit A to this Pretrial Order as its exhibits, subject to the objections asserted and in the event ruled admissible, except exhibits 15-33; 36-39; 46; 50-57; 59-76; 78-80; 92-96; 99; 117; 119; 123-129; 142-143.	<p>CCI Objection:</p> <ul style="list-style-type: none"> <li>CCI objects to duplication of Exhibits.</li> </ul> <p>BOBC Objections</p> <ul style="list-style-type: none"> <li>BOBC objects as listed on Exhibit A.</li> </ul>
58. FEC also adopts the exhibits listed on Exhibit B to this Pretrial Order as its exhibits, subject to the objections asserted and in the event ruled admissible, except exhibits 18 and 19.	CCI Objection: CCI objects as listed on Exhibit "B."

CCI reserves all objections to Forest Exhibits, first received January 8, 2007, and without sufficient time to review such exhibits in their entirety.

Each party reserves all objections to any documents not listed, or to the submission of documents without Bates Number(s), or with different Bates Number(s) than listed.

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